

Hearing Date and Time:

December 20, 2017 at 2:30 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

DEONARINE PARASRAM dba
VANDISALES dba
PARASRAM STORE

Debtor.

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Chapter 11

Case No. 8-16-42657-cec

**RESPONSE OF RANDY BRISMAN TO INTERIM FEE
APPLICATION OF FREDERICK P. STERN, PC, AS
COUNSEL FOR THE DEBTOR**

TO THE HONORABLE CARLA C. CRAIG,
CHIEF UNITED STATES BANKRUPTCY JUDGE:

Randy Brisman, as creditor and proponent of the confirmed plan in this case (öBrismanö), by his attorneys Shafferman & Feldman LLP, as and for his response to the application of Frederick P. Stern, PC (öSternö) for a second interim award of compensation for services rendered and reimbursement of expenses as counsel for the Debtor (the öSecond Stern Fee Applicationö), respectfully represents as follows:

1. By order dated June 20, 2017, this Court granted Stern's application for a first interim of award of fees, in the amount of \$47,202.50 (inclusive of a holdback of \$9,440.50), and expenses, in the amount of \$2,336.85 (the öFee Orderö), a copy of which is attached hereto as **Exhibit "A"**. Exhibit A to the Fee Order provides that the amounts then payable to Stern are fees, in the amount of \$37,762 and expenses in the amount of \$2,336.85.

2. The Fee Order further provides, in pertinent part, that “[t]he Debtor is authorized and directed to immediately remit payment of fees and expenses, from the Debtor in Possession accounts, as set forth in Exhibit A, annexed hereto.” According to the Second Stern Fee Application, Stern received a pre-petition retainer of \$13,717.00, and \$26,381.85 (for a total of \$40,098.85) awarded pursuant to the Fee Order. (Second Stern Fee Application ¶7).

3. The Debtor has not filed any monthly operating reports since filing the March, 2017 report, on May 31, 2017. Therefore, it is impossible to know the source of the \$26,381.85 paid to Stern, on account of the Fee Order. The fact that the Debtor has not filed a single operating report since this Court entered the Fee Order raises Brisman’s concerns about the source of the Debtor’s payments to Stern, and whether the Debtor has other funds or bank accounts that he has not disclosed to this Court.

4. Additionally, the Debtor has ignored the undersigned’s request, made on November 21, 2017, to provide his counsel and Maltz Auctions, Inc., the Court retained broker/auctioneer, the following items necessary for the auction sale of the Debtor’s two remaining real properties: (1) contacts for access to the properties which are the subject of the sale; (2) an overview of rents/security deposits; (3) copies of leases (if any); and (4) information concerning which properties/units we will be delivering vacant. As of this date, neither the Debtor nor Stern have provided any of the requested information to the undersigned or to Maltz.¹ Moreover, the Confirmation Order, a copy of which is attached hereto as **Exhibit “B”** requires the Debtor’s cooperation lest he forfeit his right to a discharge in this case.

¹ Frederick Stern advised the undersigned that he would pass along our request to the Debtor, but he never indicated that he would

5. Accordingly, by this Response Brisman requests that any award of compensation to Stern be deferred until the consummation of the sale of the properties to be sold under the confirmed plan and expressly be conditioned upon: (1) the Debtor filing all outstanding operating reports, along with bank statements, and continue to file such reports until this case is closed; (2) the Debtor or Stern filing with this Court a statement as detailing the source of the \$26,381.85 of fee payments made to Stern subsequent to entry of the Fee Order; and (3) the Debtor providing the undersigned and Maltz with all of the items detailed in paragraph number 4, supra, and any other items requested by Maltz.

WHEREFORE, Randy Brisman seeks the entry of an order memorializing the requests set forth in this response, and granting him such other and further relief as seems just, proper and equitable.

DATED: New York, New York
December 13, 2017

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By: /S/ Joel Shafferman
Joel Shafferman

follow-up the request or give an assurances that he would do anything other than forward our request to the Debtor.